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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARY BENSON, an individual,
Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity; and,
BRET EMPEY, in his official capacity as
Sergeant of the Las Vegas Metropolitan
Police Department;

Defendants.

Case. No.: 2:19-cv-01949-RFB-VCF

STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES
(SEVENTH REQUEST)
[ECF No. 40]

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and BRET EMPEY (“LVMPD Defendants”), by their respective counsel, hereby submit this *Stipulation and Order to Extend Discovery Deadlines (Seventh Request)* to request the Court to continue the pretrial and trial dates by thirty (30) days.

I. DISCOVERY CUT-OFF DEADLINES

A. The discovery cut-off date shall be rescheduled from October 29, 2021 to **November 29, 2021**;

B. The deadline for the initial disclosure of experts and expert reports shall be rescheduled from August 30, 2021 to **September 29, 2021**;

C. The deadline for the disclosure of rebuttal experts and their reports shall be rescheduled from September 29, 2021 to **October 29, 2021**;

D. The deadline to file dispositive motions shall be rescheduled November 29, 2021 to **December 29, 2021**; and

1 E. The deadline to file the Joint Pretrial Order shall be rescheduled from
2 December 29, 2021 to **January 28, 2022**. If dispositive motions are filed, the deadline for
3 filing the joint pretrial order will be suspended until thirty (30) days after decision on the
4 dispositive motions or further court order.

5 **II. REASON FOR THE REQUESTED EXTENSION**

6 Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the
7 extension requested. The Parties have been diligently conducting discovery. Since January
8 2020, the Parties have propounded and responded to requests for written discovery; have
9 produced documents relating to liability issues; and have been working to coordinate
10 depositions. The Parties acknowledge that, pursuant to Local Rule 26-4, a stipulation to
11 extend a deadline set forth in a discovery plan must be submitted to the Court no later than
12 21 days before the expiration of the subject deadline, and that a request made within 21 days
13 must be supported by a showing of good cause. Here, the deadline for the initial disclosure
14 of initial experts and initial expert reports is currently August 30, 2021. Thus, the instant
15 stipulation to extend the deadline for initial expert disclosures is untimely.

16 Good cause exists to excuse this untimely request. Plaintiff has retained an expert
17 to prepare a report regarding the economic losses she has experienced as a result of the events
18 set forth in the Complaint. Due to other demands and the need for additional documentation,
19 Plaintiff's expert will not be able to complete a report by the current deadline of August 30,
20 2021. Hence, this brief extension is necessary to allow for Plaintiff's expert to complete a
21 report, and to allow the parties sufficient time to conduct any discovery relevant to that report.
22 The parties hereby agree that, absent extraordinary circumstances, they will seek no further
23 extensions of discovery in this matter.

24 **III. STATUS OF DISCOVERY EFFORTS TO DATE**

25 The following discovery has been completed to date:

- 26 1. LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of
27 Documents and Witness List on January 6, 2020;
28 2. Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of

1 Documents and Witness List on January 7, 2020;

2 3. LVMPD Defendants propounded their First Set of Requests for Production
3 of Documents to Plaintiff Mary Benson on January 17, 2020;

4 4. Plaintiff Mary Benson responded to LVMPD Defendants' First Set of
5 Requests for Production of Documents on March 10, 2020;

6 5. Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1
7 Production of Documents and Witness List on March 10, 2020;

8 6. Plaintiff Mary Benson propounded her First Set of Requests for Production
9 of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

10 7. Plaintiff Mary Benson propounded her First Set of Requests for Production
11 of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

12 8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ.
13 P. 26.1 Production of Documents and Witness List on May 11, 2020;

14 9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set
15 of Requests for Production of Documents on May 11, 2020;

16 10. Defendant Las Vegas Metropolitan Police Department responded to
17 Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;
18 and

19 11. Plaintiff provided her Second Supplement to her Fed. R. Civ. P. 26.1
20 Production of Documents and Witness List on February 23, 2021.

21 **IV. DISCOVERY REMAINING**

22 The Parties agree that the following discovery must be completed:

- 23 1. The deposition of Plaintiff;
24 2. The depositions of Defendants;
25 3. The depositions of witnesses;
26 4. The deposition(s) of the Defendants' Person(s) Most Knowledgeable;
27 5. The deposition(s) of expert witness(es) designated by all Parties;
28 6. Additional written discovery; and

7. Additional records collection.

V. CONCLUSION

Based on the above, requisite good cause exists to warrant an extension of the Scheduling Order (ECF No. 40) deadlines. Accordingly, the Parties respectfully request that this Court extend the current deadlines by thirty (30) days in order to allow all Parties to adequately complete discovery and to resolve present scheduling conflicts.

IT IS SO STIPULATED.

DATED this the 19th day of August, 2021.

DATED this the 19th day of August, 2021.

MARQUIS AURBACH COFFING

MCLETCHIE LAW

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ORDER

IT IS SO ORDERED.

Carl Gaskins

U.S. MAGISTRATE JUDGE

8-24-2021

DATED: